

Division of Solid and Hazardous Waste
P.O. Box 414
Trenton, New Jersey 08625-0414
Tel. # (609) 984-6650
Fax. # (609) 633-9839

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Karen Fazzio, Vice President
Eastern Energy Harvesters, Inc.
541 Bridgeton Pike
Mullica Hill, New Jersey 08062

Re: Renewal of General Class B Recycling Approval
Eastern Energy Harvesters, Inc.
Elk Township, Gloucester County
Facility No. 0804001230

Dear Ms. Fazzio:

Enclosed is a renewal of the recycling center approval for the operation of the above-referenced facility. Please note that this Approval is valid for a period of five (5) years, subject to the requirements of N.J.A.C. 7:26A-3.12.

Conditions have been incorporated within this Approval that must be complied with in order for it to remain valid. In addition, some conditions have been added and/or updated in this Approval, which were not present in your original approval. These are conditions which are currently being included in all Class B Approvals.

The Department will consider amendment or modification of the specific terms of the conditions of this Approval if a written request is submitted by certified mail within twenty (20) days of receipt of this Approval. Said written request must clearly state the proposed amendment or modification and the factual basis for the request. This Approval is non-transferable except as set fourth in N.J.A.C. 7:26A-3.15.

If you have any questions regarding this matter, please contact Carolyn Hansel of my staff at (609) 984-6650 or by e-mail at chansel@dep.state.nj.us.

Sincerely,

Thomas Sherman
Assistant Director
Office of Permitting &
Technical Programs

Enclosure

TS:CH

cc: Rai Belonzi, Chief, Bureau of Inspections & Investigations, w/enc.
Pat Ferraro, Bureau of Inspections & Investigations, w/enc.
Ken Atkinson, Gloucester County Recycling Coordinator, w/enc.
David Shields, Gloucester County Solid Waste Coordinator, w/enc.
Elk Township Municipal Clerk, w/enc.

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RECYCLING CENTER
GENERAL APPROVAL CONDITIONS
FOR RECEIPT, STORAGE, PROCESSING OR TRANSFER
OF CLASS B RECYCLABLE MATERIALS

Under the provisions of N.J.S.A. 13:1E-1 et seq. and N.J.S.A. 13:1E-99.11 et seq., known as the Solid Waste Management Act and the New Jersey Statewide Mandatory Source Separation and Recycling Act, respectively, and pursuant to N.J.A.C. 7:26A-1 et seq., known as the Recycling Regulations, this Approval is hereby issued to:

EASTERN ENERGY HARVESTERS, INC.

MUNICIPALITY: Elk Township
BLOCK NO.(S): 6
LOT NO.(S): 7
COUNTY: Gloucester
CAPACITY: 300 TPD
RECYCLING CENTER NUMBER: 0804001230
APPROVAL EXPIRATION DATE: September 20, 2004

This Approval is subject to compliance with all conditions specified herein and all regulations promulgated by the Department of Environmental Protection or as may be amended in the future. All references to specific regulations include any future amendments thereto.

This Approval shall not prejudice any claim that State may have to riparian land, nor does it allow Eastern Energy Harvesters, Inc., or its principals to fill or alter, in any way, lands that are deemed to be riparian, wetlands, stream encroachment areas to flood plains, or that are within the Coastal Area Facility Review Act (CAFRA) Zone or are subject to the Pinelands Protection Act of 1979, nor shall it allow

the discharge of pollutants to waters of this State without prior acquisition of the necessary grants, permits or approvals from the Department of Environmental Protection.

Compliance with the terms of this Approval does not relieve Eastern Energy Harvesters, Inc., or its principals of the obligation to comply with all applicable State and federal statutes, rules and other permits and municipal approvals or ordinances which are not preempted by the DEP solid waste regulations at N.J.A.C. 7:26-1 et seq. and the recycling regulations at N.J.A.C. 7:26A-1 et seq.

Failure to comply with all the conditions specified herein may result in revocation of this Approval and/or may result in other regulatory or legal actions which the Department is authorized to institute by law.

This Approval shall be effective for not more than five (5) years. An Approval renewal shall be obtained from the Department prior to any activities which are to occur after the expiration of this Approval. In applying for a renewal, applicants shall follow the renewal submission requirements and procedures set forth in N.J.A.C. 7:26A-3.6.

This Approval is non-transferable, except as set forth in N.J.A.C. 7:26A-3.15.

| | |
|------------------------|---|
| <u>09/20/1994</u> | <u>Signed by Thomas Sherman, Assistant Director</u> |
| Original Issuance Date | Thomas Sherman |
| | Assistant Director |
| <u>09/20/1999</u> | Office of Permitting |
| Renewal Date | & Technical Programs |

| |
|-------------------|
| <u>09/20/2004</u> |
| Expiration Date |

Recycling Center General Approval
for
Eastern Energy Harvesters, Inc.

A. AUTHORIZED RECYCLABLE MATERIALS

1. Permitted Class B Recyclable Materials

The following source separated Class B recyclable materials which have been separated at the point of generation from other waste materials or separated at a permitted solid waste facility authorized to separate recyclable materials may be received, stored, processed or transferred at this facility:

Brush
Tree Parts
Tree Stumps
Tree Trunks
Whole Trees

At no time shall the receipt, storage, processing or transferring of non-source separated construction and demolition material be allowed at this facility. The prohibition of this material shall be strictly enforced and any incident shall be considered a serious violation to the conditions of this Approval.

2. By-Products

Incidental amounts of rebar, metal, soil and other by-products which adhere to the Class B recyclable materials as specified in Condition A.1 and which are returned to the economic mainstream as raw material or products may be received, stored, processed or transferred at this facility. Its receipt shall not be separately accounted for but its storage and end-markets shall be subject to specific conditions of this Approval.

3. Contaminants

The maximum amount of allowable contaminants, as defined in N.J.A.C. 7:26A-1.3, in each incoming load of Class B recyclable materials for acceptance shall be limited to 1% by volume.

Incidental by-product materials included within the Class B recyclable materials shall not be considered to be contaminants.

B. DESIGN AND CONSTRUCTION

The construction of this facility shall be in accordance with the provisions of N.J.A.C. 7:26A-1 et seq., the New Jersey Uniform Construction Code, the approved documents listed below and this Approval.

1. Approved Documents

- ? Site Plan; prepared by Land Professional Group, Inc., signed and sealed by W. Jerome Smith, P.E., P.L.S., dated February 2, 1994, last revised September 15, 1995.
- ? Eastern Energy Harvesters, Inc. - Response to the April 8, 1993 Notice of Assessment and attachments, dated April 15, 1993.
- ? Eastern Energy Harvesters, Inc. - Response to the January 8, 1994 Notice of Deficiency and attachments, dated March 7, 1994.
- ? Eastern Energy Harvesters, Inc. - Letter and attachments, dated May 9, 1994, prepared by Karen D. Fazzio.
- ? Eastern Energy Harvesters, Inc. - Letter dated September 7, 1994, prepared by Karen D. Fazzio and the attached lease agreement.
- ? Eastern Energy Harvesters, Inc. - Letter dated September 25, 1995, prepared by Karen D. Fazzio and the attached site plan modification.
- ? Eastern Energy Harvesters, Inc. - Renewal request dated August 24, 1999, prepared and signed by Karen Fazzio.

C. RECYCLING CENTER OPERATIONAL STANDARDS

The operation of this facility shall be in accordance with the provisions of N.J.A.C. 7:26A-1 et seq., the standards set forth herein and the approved documents specified in Condition B.1. Where any discrepancy exists, the terms of this Approval shall prevail.

1. Hours of Operation

Hours of operation for receiving, storing, processing or transferring source separated recyclable material as specified in Condition A.1 of this Approval shall be limited to 8:00 a.m. to 6:00 p.m., Monday through Saturday.

2. Residue

Residue generated, as a result of processing source separated recyclable materials shall not exceed 1% by volume of the daily amount accepted.

Residue defined as solid waste shall be transported by a NJDEP registered collector/hauler to the facilities approved by the Gloucester County District Solid Waste Management Plan.

Residue shall be stored separately from recyclable material in containers and in a manner which prevents run-off, leakage or seepage from the residue storage area into, on or around the soil of the residue storage area.

No residue shall be stored on-site for a period exceeding six (6) months without prior approval of the NJDEP.

3. Maximum Daily Capacity

The Eastern Energy Harvesters, Inc., recycling center may receive no more than 300 tons per day of recyclable materials as specified in Condition A.1 of this Approval.

4. Maximum Weekly Capacity

The Eastern Energy Harvesters, Inc., recycling center may receive no more than 1,800 tons per week of recyclable materials as specified in Condition A.1 of this Approval.

5. Unprocessed Materials Storage

The total amount of unprocessed Class B recyclable materials stored on-site shall not exceed 51,924 cubic yards and shall be stored only in those areas designated for that purpose on the approved site plan drawing.

If at any time, the amount of unprocessed material stored on-site exceeds 51,924 cubic yards, Eastern Energy Harvesters, Inc. shall immediately cease receiving any unprocessed material until the amount of unprocessed material stored on-site falls below 51,924 cubic yards.

All unprocessed recyclable material shall not remain on-site, in its unprocessed form, for more than one (1) year.

6. Processed Materials Storage

The total amount of processed Class B recyclable material stored on-site shall not exceed 84,825 cubic yards and shall be stored only in those areas designated for that purpose on the approved site plan drawing.

If at any time, the amount of processed material stored on-site exceeds 84,825 cubic yards, Eastern Energy Harvesters, Inc. shall immediately cease processing activities until the amount of processed material falls below 84,825 cubic yards.

All processed material shall be stored separately from residues.

7. By-Products Storage

By-products shall be stored in the container(s) or area(s) as depicted on the approved site plan and shall be removed off-site to the end-markets as referenced in the approved documents.

8. Horizontal and Vertical Controls

Horizontal and vertical control points for the unprocessed and processed materials stockpile areas shall be set and maintained on-site. Horizontal limitation markers shall be set at the corners of the stockpile areas as depicted on the approved site plan. Vertical limitation markers shall be set at locations in close proximity of the stockpile areas and shall clearly establish elevation heights of 20 feet above the existing grade for the unprocessed stockpile area and 20 feet above the existing grade for the processed stockpile area.

9. Commingling

Eastern Energy Harvesters, Inc., may receive, store, process or transfer source separated brush, tree parts, tree stumps, tree trunks and whole trees separately or in a commingled manner.

10. Applicable Regulations

The operation and related activities of this recycling center shall be in conformance with all applicable federal, State, county, municipal and local statutes,

rules and ordinances including but not limited to nuisance, noise, fire and safety codes.

11. Safety Procedures

The operation of the recycling center shall be in conformance with the Occupational Safety and Health Act (OSHA) regulations as contained in the General Industry Standards 29 CFR 1910. Construction activities shall be in conformance with the OSHA regulations as contained in the Construction Industry Standards 29 CFR 1926. A copy of the safety procedures shall be posted on-site.

12. Housekeeping

Routine housekeeping and maintenance procedures shall be implemented within the recycling center interior to prevent the accumulation of litter, dust and debris, and to maintain general cleanliness in the working environment.

13. Odor Control

The operation of this recycling center shall not cause any air contaminant, including an air contaminant detectable by the sense of smell, to be present in the outdoor atmosphere in such quantity and duration which is, or tends to be, injurious to human health or welfare, animal or plant life or property, except for malodorous emissions emanating from the recycling center which result in odors in areas over which the owner and/or operator has exclusive use or occupancy.

14. Vector Control

The recycling center shall institute and maintain an effective vector control program at the center, directed by a qualified applicator of pesticides as set forth in the New Jersey Pesticide Control Code N.J.A.C. 7:30.

15. Dust Control

Dust shall be controlled by the spraying of water, the spreading of calcium chloride or equivalent means as approved by this Division.

16. Noise Control

Noise controls shall be implemented so that noise levels generated at the recycling operation shall not exceed the standards set forth by New Jersey State Noise Control Regulations under N.J.A.C. 7:29-1.2.

17. Fire Protection and Emergency Response

Fire fighting and emergency procedures shall be posted and shall include the telephone number of local fire, police, ambulance and hospital facilities.

In the event of an on-site fire, the facility shall immediately notify the local fire official and within 24 hours report the incident to the DEP Hotline at 1(877) WARNDP.

18. Air Pollution Control Permits

All processing equipment shall be operated in a manner which is in compliance with any air pollution control permits issued pursuant to N.J.A.C. 7:27-8 and 7:27-22.

19. Entrance Sign

A legible sign shall be posted and maintained at the entrance to the recycling center and indicate the hours of operation of the recycling center as well as the following information:

- a. A listing of the approved recyclable materials as specified in Condition A.1. of this Approval.
- b. The size, weight or other restrictions regarding materials to be received.
- c. A notice that all vehicles delivering materials to the recycling center will be inspected, and if found to contain contaminants greater than 1% by volume, will be rejected.
- d. A notice that persons bringing materials to the recycling center shall complete and certify a materials receipt form.

20. Soil Tracking Control

Mud, soils or other materials shall not be tracked onto any public roads by any exiting vehicles. Effective measures shall be implemented to comply with this condition.

21. Site Access

Ingress and egress of the facility shall be restricted to Mullica Hill-Bridgeton Pike (N.J.S.H. Route 77) only.

22. Hazardous Waste

Any suspected or prohibited hazardous waste, as defined at N.J.A.C. 7:26G-5, found in a load accepted at the facility shall not be returned to the generator. Such materials shall be segregated and stored in a secure manner and shall be immediately reported to the NJDEP Environmental Action Hotline at 1(877) WARNDP. The owner/operator shall secure the name of the collector/hauler suspected of delivering such waste to the facility and related information surrounding the incident, if available, and shall make this information known to the Department's enforcement personnel.

23. Documents On-Site

A copy of the approved documents as referenced in Condition B.1 and a copy of this Approval shall be maintained at the facility and shall be made available for inspection by Department personnel or its designated representatives.

24. End-Markets

All end-markets to which recyclable materials are transported from the recycling center shall remain consistent with those end-markets specified in the approved documents. Any modification in the actual end-market for a recyclable material specified in Condition A.1 shall be in conformance with N.J.A.C. 7:26A-3.10(f).

25. Right of Entry

The New Jersey Department of Environmental Protection shall have the right to enter and inspect, without prior notice, any building or other portion of the recycling center, or any other location of the company or its affiliated companies at any time.

This right to inspect includes, but is not limited to, the right to engage in the following activities:

- a. Sample any materials on-site;
- b. Photographing or videotaping any portion of the recycling center;
- c. Investigating an actual or suspected source of pollution of the environment;
- d. Ascertaining compliance or non-compliance with the statutes, rules or regulations of the NJDEP,

including the conditions of the recycling center Approval issued by the NJDEP; or

- e. Reviewing and copying all applicable records, which shall be made available to the NJDEP during an inspection and submitted to the NJDEP upon request.

D. RECORDINGKEEPING AND REPORTING

1. Recordkeeping

In accordance with N.J.A.C. 7:26A-3.17, Eastern Energy Harvesters, Inc. shall maintain daily records of all materials received, stored, processed or transferred at the site. Said records shall be available at all times for inspection and shall indicate, at a minimum, the following:

- a. A daily record of the amounts of each recyclable material by type and municipality of origin which are received, stored, processed or transferred each day, expressed in tons or in cubic yards. Those operators specifying this information in cubic yards shall also indicate the conversion ratio or the materials from cubic yards to tons.
- b. The name, address and telephone number of the end-markets for all recyclable materials transported from the recycling center, including the amount, in tons or cubic yards, transported to each end-market. Those persons specifying this information in cubic yards shall also indicate the conversion ratio of the materials from cubic yards to tons. NJDEP reserves the right to verify all end-market information submitted by Eastern Energy Harvesters, Inc.
- c. The amount of residue disposed of, expressed in tons or cubic yards, including the name and the NJDEP solid waste registration number of the solid waste collector/hauler contracted to provide the haulage/disposal service. Those persons specifying the amount of residue in cubic yards shall also indicate the conversion ratio of residue from cubic yards to tons.

Eastern Energy Harvesters, Inc. shall retain the information for three (3) calendar years following the calendar year for which reporting is required.

2. Reporting

a. Annual Report

In accordance with N.J.A.C. 7:26A-3.17, Eastern Energy Harvesters, Inc. shall submit an annual report containing monthly summary statements of the information required pursuant to Condition D.1 above to the NJDEP on or before February 1 of each year, for the previous calendar year. The summaries shall include monthly totals of the amount of recyclable material received from each customer by the municipality of origin. Furthermore, the summaries shall include monthly totals of the amount of recyclable product transferred to each end-market. The summaries shall also include the amount of residue disposed of during each month. An annual fee will be paid to the Department on May 1, in accordance with N.J.A.C. 7:26A-2.1(b)1;

b. Residue Disposal

Eastern Energy Harvesters, Inc. shall certify in writing to the Department that all residue generated at the recycling center has been disposed of in accordance with the solid waste management rules at N.J.A.C. 7:26. The certification shall be submitted annually as part of the annual report;

c. Tonnage Report

Eastern Energy Harvesters, Inc. shall provide a recycling tonnage report by February 1 of each year to all municipalities from which recyclable material was received in the previous calendar year. The report shall detail the amount of each source separated recyclable material, expressed in tons or cubic yards, brought to the recycling center. Those persons specifying this information in cubic yards shall also indicate the conversion ratio of the materials from cubic yards to tons.

One original and one copy of the annual report and tonnage report shall be submitted to:

New Jersey Department of Environmental Protection
Division of Solid and Hazardous Waste
Chief, Bureau of Recycling and Planning
P.O. Box 414
Trenton, New Jersey 08625-0414

Failure to comply with any or all conditions of this Approval will result in the NJDEP seeking relief under the Solid Waste Management Act, N.J.S.A. 13:1E-1 et seq. Specifically, each day of failure to so comply shall constitute a separate violation on the basis of which a penalty shall be assessed pursuant to N.J.S.A. 13:1E-9 and may subject Eastern Energy Harvesters, Inc. to regulation as a solid waste facility pursuant to N.J.S.A. 13:1E-1 et seq. and N.J.A.C. 7:26-1 et seq.

The issuance of this Approval and the conditions of operation identified herein shall not be interpreted as relieving the applicant of his responsibility to secure and maintain all other applicable federal, State and local permits or similar forms of authorization relating to the construction and operation of this facility.